

1-31-03

PTO/SB/29 (10-00)  
MTSU-1001US

#CPA  
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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original and a duplicate for processing  
(Only for Continuation or Divisional applications under 37 CFR 1.53 (d))

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Address to:

Commissioner for Patents  
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Washington, D.C. 20231

Attorney Docket No  
of Prior Application MTSU-1001US  
First Named Inventor: Seiichi Araki  
Examiner Name: R.A. Davis  
Group Art Unit: 1651  
Express Mail Label No.: EL022597470US

FEB 03 2003

TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA) of prior application number 09/806,925 filed on June 20, 2001 entitled "Preventative or Remedies for Infection, Anti-Endotoxin Agents, Vaccine Adjuvants and Growth Promoters", which is the national stage of International Application No. PCT/JP99/05583, filed on October 8, 1999.

## Notes

**Filing Qualification:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application.

**C-I-P Not Permitted:** A continuation-in-part cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**Express Abandonment of Prior Application:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**Access To Prior Application:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 Statement:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. (37 CFR 1.78(a))

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior Nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO.SB/81) is enclosed.

## Certificate of Express Mail

Date: January 30, 2003

Express Mail Label No.: EL022597470US

I hereby certify that this paper, along with any document or paper referred to as being attached, is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 in an envelope addressed to the Commissioner for Patents, BOX CPA, Washington, D.C. 20231.

John Webb  
Name of person mailing correspondence

John Webb  
Signature of person mailing correspondence

02/03/2003 AMNDAA1 00000019 09806925

01 FC:1006

750.00 DP

5 ☐ Information Disclosure Statement (IDS) is enclosed:a. ☒ PTO-1449b. ☐ Copies of IDS citations

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE SMALL ENTITY (\$375.00)	RATE (\$750.00)	TOTAL \$750.00
Total Claims (37 CFR 1.16(c) or (j))	15 - 20 =	0	X \$ 9.00	X \$ 18.00	\$0.00
Independent Claims (37 CFR 1.16(b) or (i))	1 - 3 =	0	X \$ 42.00	X \$ 84.00	\$0.00
Multiple Dependent Claims (if applicable)			+ \$ 140.00	+ \$280.00	
				Basic Fee	\$750.00
TOTAL CALCULATIONS					\$750.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0462:

- a. ☐ Fees required under 37 CFR 1.16  
b. ☐ Fees required under 37 CFR 1.17  
c. ☐ Fees required under 37 CFR 1.18

8. ☒ A check in the amount of \$ 750.00 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_.

12. ☐ a. Receipt for Facsimile transmission  
    ☒ b. Return receipt postcard.

13. ☐ Other :

NOTE: The prior application's correspondence address will carry over tot his CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**

Customer No. \_\_\_\_\_

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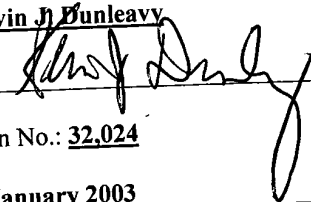
Country:

State:

Telephone:

Zip Code:

Facsimile:

**15. Signature of Applicant, Attorney, or Agent required**Name: Kevin J DunleavySignature: Registration No.: 32,024Date: 30 January 2003



DOCKET NO.: MTSU-1001US

#21F/pw  
02-10-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Araki et al.

Serial No.: 09/806,925

Group No.: 1651

Filed: June 20, 2001

Examiner: R. Davis

For: Preventative or Remedies for  
Infection, Anti-Endotoxin Agents,  
Vaccine Adjuvants and Growth  
Promoters

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PRELIMINARY AMENDMENT

Commissioner for Patents  
BOX CPA  
Washington, D.C. 20231

Dear Sir:

This preliminary amendment accompanies the Continued Prosecution Application filed herewith and is also a response to the Office Action dated January 13, 2003 in the above-identified application.

\* \* \*

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Date: January 30, 2003

Express Mail Label No.: E2022 697470US

I hereby certify that this paper, along with any document or paper referred to as being attached, is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 in an envelope addressed to the Assistant Commissioner for Patents, BOX PCT, Washington, D.C. 20231.

Dyane Webb  
Name of person mailing correspondence

Dyane Webb  
Signature of person mailing correspondence